



Permits for Archeological Investigations

1. Overview

Introduction

This module about issuing permits for archeological investigations on National Park lands replaces the *Technical Manual for the Issuance of Archeological Permits* prepared by the former Archeological Assistance Division and issued by the NPS Director on 5 October 1984.

This new guidance provides information about the permitting authorizations that are necessary before undertaking archeological investigations in national parks. Information is organized according to the responsibilities of the parties involved: Applicants, NPS Archeologists, and NPS Managers (regional directors, park superintendents, and/or unit managers).

This Archeology Guide module has the following sections: this Overview, [Information for Applicants](#), [Information for NPS Archeologists](#), and [Information for NPS Managers](#)). Navigate through sections and subsections by using the right-hand navigation column, the sections links across the top of the page, or simply by scrolling through each section.

All types of archeological fieldwork on parklands require NPS authorization in the form of a Permit for Archeological Investigations. Such activities include excavation, shovel testing, coring, pedestrian survey (even if not involving artifact removal), underwater archeology, rock art documentation, or other types of reconnaissance.

The NPS does not issue a Permit for Archeological Investigations for activities carried out by NPS archeologists, or to archeologists working on NPS archeological projects under a contract or cooperative agreement. The requirements and standards for investigations by NPS archeologists, archeologists working on NPS archeological projects under a contract or cooperative agreement, and a Permit for Archeological Investigations permittee, however, are the same.

Activities associated with archeological fieldwork that have the potential to impact the park environment, such as dry-screening or water-screening, or establishing a field camp, may also require a [Special Use Permit](#) in addition to a Permit for Archeological Investigations.

NPS units sometimes contain non-federally owned lands. Non-federally owned lands may include privately-owned lands, state lands, tribal lands, or lands under the authority of other federal agencies. Archeological investigations that take place on non-federally owned lands that are managed by the NPS require written permission from private landowners, authorized tribal representatives, or state authorities as well as a Permit for Archeological Investigations.

Archeological activities that involve collection of non-archeological data, such as bio-mass studies to establish carrying capacity or sampling trees for dendrochronological studies, requires a Scientific Research and Collecting Permit. Paleontological studies and the collection of paleontological specimens also require a [Scientific Research and Collecting Permit](#).

Research on archeological collections from national parks does not require a Permit for Archeological Investigations, but does require NPS [Archeological Collections Research Authorization](#) from the manager of the park that is responsible for the collection and coordination with the repository for research-related visits. Researchers should contact the park manager to obtain authorization to conduct research on archeological collections from the park.

[Treasure trove](#) investigations on federally-owned parklands are authorized in the form of a contract with the General Services Administration. In general, however, the NPS does not allow treasure trove investigations on parklands.

Overview: Permit for Archeological Investigations

Archeological surveys and excavations on parklands are authorized under a Permit for Archeological Investigations (hereafter referred to as a "Permit"). A Permit may be issued under ARPA or the Antiquities Act or both. NPS authorizes paleontological research under a [Scientific Research and Collection Permit](#).

Permits for archeological projects carried out on federal lands have been issued since 1907 under the legal authority of the [Antiquities Act](#) and Antiquities Act regulations. At the time of passage in 1906, the Antiquities Act authorized the secretaries of the departments managing federally-owned or controlled public land -- primarily Interior, Agriculture, and War -- to grant Permits to carry out archeological activities on public lands. The Antiquities Act regulations stipulated that the Smithsonian Institution approve the project before a Permit was granted. Beginning in 1927, the [Departmental Consulting Archeologist \(DCA\)](#) coordinated with the Smithsonian Institution on behalf of the Department of Interior bureaus to obtain approval to issue Permits. In 1958, the DCA was given direct authority to issue Permits on behalf of the Secretary of the Department of the Interior. The authority to issue Permits was transferred to bureau chiefs within the Department of the Interior in 1984. Within NPS, permit authority has been delegated to the regional directors. The Chief Archeologist of the NPS provides guidance relating to appeals of decisions to deny, suspend, or revoke permits; and guidance relating to requests to search for treasure trove. For more information about the history of archeological permitting in the federal government, see [NADB-Permits](#).

At present, most of the Permits to conduct archeological activities are issued under the [Archaeological Resource Protection Act](#) (ARPA), which was passed in 1979. ARPA and the ARPA regulations contain more extensive guidance for issuing and enforcing Permits, and define "archeological resources" as "...any material remains of human life or activity which are at least 100 years of age and which are of archeological interest" (43 CFR 7.3(a)).

Permits for investigation of material remains that are older than 50 years and defined as archeological resources under NPS regulations ([36 CFR 1.4\(a\)](#)) but are younger than 100 years may be issued under the Antiquities Act.

NPS archeologists or archeologists carrying out archeological activities on parklands under contract or cooperative agreement with the NPS do not need to apply for a Permit for Archeological Investigations, per se, as federal land managing agencies are self-permitting. However, the NPS archeologists and non-NPS archeologists working on behalf of the NPS must meet the provisions of ARPA (see [43 CFR 7.5](#), [7.8](#) and [7.9](#)).

When individuals conduct archeological activities on NPS lands without a valid Permit, they are in violation of ARPA, the Antiquities Act, and other statutes concerning federal or federally-controlled property. They are subject to **criminal and/or civil penalties**, as well as forfeiture of personal property and looted artifacts.

Overview: Special Use Permit

Activities that are associated with archeological projects on parklands but that are not a component of the research project may require an NPS Special Use Permit. For example, Special Use Permits may be issued for establishment of a camp associated with the excavation or survey. A Special Use Permit may also be needed for project-related activities such as water-screening of archeological samples.

Special Use Permits are issued by the manager of the park where the activity will take place. Guidance on the need for Special Use Permits, and the conditions under which these permits are issued are found in the [NPS Management Policies \(2006\)](#) , [Section 8.6](#). Further information may be found in [Director's Order DO #53](#). "Special Park Uses" Application forms for [Special Use Permits](#) are also available online along with the NPS Management Policies and the Director's Orders.

Overview: Scientific Research and Collecting Permit

A Scientific Research and Collecting Permit is required for most scientific activities pertaining to natural resources in parks that involve fieldwork or specimen collection, or that have the potential to disturb resources or visitors. Archeological investigations that involve sampling or measuring natural resources may require both a Permit for Archeological Investigations and a Scientific Research and Collecting Permit. Paleontological research, including excavation and survey, requires a Scientific Research and Collecting Permit.

Scientific Research and Collection Permits are issued by the manager of the park where the research will take place. The NPS Research Permit and Reporting System website provides information about preparing an application for a [Scientific Research and Collecting Permit](#) .

Overview: Archeological Collections Research Authorization

Access to, and use of, archeological collections recovered from parklands do not require a formal permit. Such use, however, must be authorized by the park manager who, according to [36 CFR Part 79](#), Curation of Federally Owned and Administered Archeological Collections, works with the park curator or collections manager, NPS collections manager, or museum or facility holding the park's collections. Park personnel are encouraged to use the NPS Museum Handbook, Part III (1998) Chapter 1, Part K, Checklist: Evaluating a Request to Use Museum Objects ([scroll to page 1:54](#)) and the NPS Museum Handbook, Part II (2000) Appendix D, Figure D.16, Researcher Registration Form ([scroll to page D:99](#)) to authorize use of collections.

Overview: Treasure Trove Contract

Treasure trove usually refers to gold or silver coin, plate, bullion, or negotiable currency that is found buried underground or submerged under water, or concealed elsewhere (for example, in a house or other structure), and for which the owner of the object(s) is unknown.

Searching for or claiming discovered treasure trove on federally owned land requires authorization in the form of a contract with the General Services Administration (GSA). Treasure trove requests are processed as contracts with the GSA, not NPS. Individuals requesting permission to search for treasure on federal land must contact the **Director, Property Management Division, General Services Administration, 1901 South Bell Street, Arlington, VA 22202-4502** by mail.

Although the General Services Administration is authorized to issue contracts to treasure trove applicants, such contracts for searching on parklands also require NPS permission. GSA personnel contact the appropriate NPS offices for permission when a request to search for treasure trove on parklands has been received. As a general policy the NPS does not allow treasure trove activities on parklands, and does not release accidentally discovered treasure trove to the finder.